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09/863,897	05/23/2001	Anna Karri	944-003.088	9365

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EXAMINER	
CUMMING, WILLIAM D	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
05/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/863,897	KARRI ET AL.	
	Examiner	Art Unit	
	WILLIAM D. CUMMING	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2, and 4-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the **ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER** filed on February 4, 2009, **PROSECUTION IS HEREBY REOPENED.** New grounds of rejection is set forth below.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

3. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 11, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim** in view of **Wakatsuki** and **Carpenter, et al.**

Regarding claim 1, **Kim** discloses a method for use in conveying a plurality of messages from a sending terminal to a receiving terminal over a telecommunications system that is at least in part a wireless telecommunications system (abstract, fig. 1, col. I lines 24-31), the method comprising:

a) the sending terminal assembling the plurality of messages in a desired order according to inputs by a User (col. I line 49 thru col. 2 line 34),

b) the sending terminal indicating in each message the order of the message in the desired order (fig. 1-3, col. 3 line 7 thru col. 4 line 34);

c) the sending terminal sending (transmitting) all of the messages to the receiving terminal in response to an input by the user (col. I line 53 thru col. 2 line 34, and cal. 3 line 7 thru col. 4 line 34);

wherein the plurality of messages conveys a plurality of frames so that each frame is conveys one or more of the messages, and wherein oath frame is logically related to at least one other of the frames (when there is limited length of message in each frame for the long message, the long message needs mare than one frame which means there are a plurality of messages conveys a plurality of frames) (col. 1 lines 32-45, and col. 2 line 61 thru col. 3 line 43).

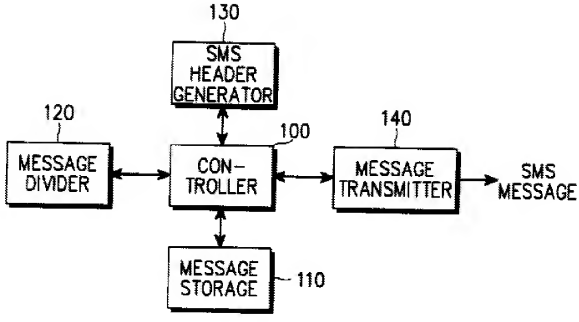


FIG. 1

Regarding claim 11, Kim discloses an apparatus for use by a sending terminal in conveying a plurality of messages to a receiving terminal via a wireless communications network (abstract, fig. I col. I lines 24-31), the apparatus comprising:

a) means for assembling the plurality of messages in a desired order according to inputs by a user (cot. I line 49 thru cal. 2 line 34)

b) means for indicating in each message the order of the message in the desired order (fig. 1-3, cot. 3 line? thru cal. 4 line 34);

d) means for sending (transmitting) all of the messages to the receiving terminal in response to an input by the user (col. 1 line 53 thru cal. 2 line 34, and col. 3 line 7 thru cal. 4 line 34);

wherein the plurality of messages conveys a plurality of frames so that each frame is conveys one or more of the messages, and wherein each frame is logically related to at least one other of the frames (when there is limited length of message in each frame for the long message, the long message needs more than one frame which means there are a plurality of messages conveys a plurality of frames) (col. I lines 32-45, and col. 2 line 61 thru cal. 3 line 43).

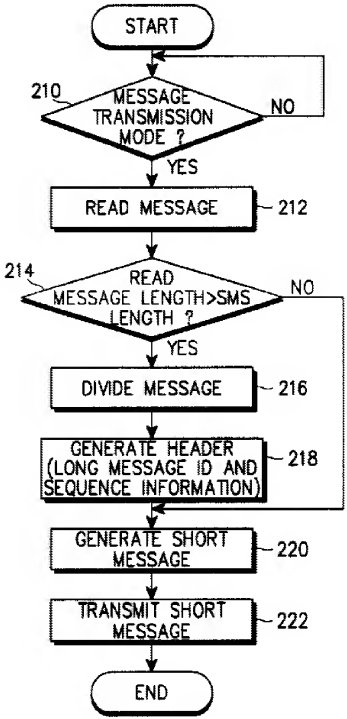

START
210
MESSAGE TRANSMISSION MODE ?
NO
YES
READ MESSAGE
212
214
READ MESSAGE LENGTH>SMS LENGTH ?
NO
YES
DIVIDE MESSAGE
216
GENERATE HEADER (LONG MESSAGE ID AND SEQUENCE INFORMATION)
218
GENERATE SHORT MESSAGE
220
TRANSMIT SHORT MESSAGE
222
END

FIG. 2

Regarding claim 24. Kim disclose a system comprising:

a) a sending terminal, adapted for conveying to a receiving terminal via a wireless communications network a plurality of messages, and including in each message ordering information indicating a position for the message in a desired ordering of the plurality of messages (fig. 1-2 col. I line 53 thru col. 2 line 34, and col. 3 line 7 thru cal. 4 line 34); and

b) the receiving terminal, adapted for receiving the plurality of messages and ordering the message in the desired order as indicated by the ordering information (fig. 1-2, cal. 1 line 53 thru cal. 2 line 34, and col. 3 line 7 thru col. 4 line 34).

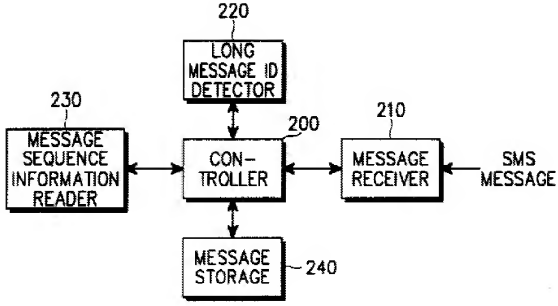


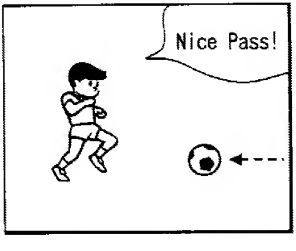
FIG. 3

Kim disclose all subject matter except for the plurality of frames to be frames of a funny and of the sending terminal assembling the plurality of messages in a desired order according to inputs by a user. Applicant admits on page 2 of the specification that it is well known in the art to download actual comic strips from wireless application protocol sites.

FIG. 7A

FIG. 7B

FIG. 7C



Wakatsuki teaches the use of a plurality of frames to be frames of a funny (note figures 7a-7c) in a method and apparatus for use conveying a plurality of messages from a sending terminal for the purpose of displaying a frame of a comic strip (funny) on the display one by one in the order set. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the well known use, as admitted by applicant, for the plurality of frames to be frames of a funny, as taught by **Wakatsuki** for the purpose of displaying a frame of a comic strip (funny) on the display one by one in the order set, in the a method and apparatus for use conveying a plurality of messages from a sending terminal of **Kim** in order to sequentially display frames of comic strips or funnies.

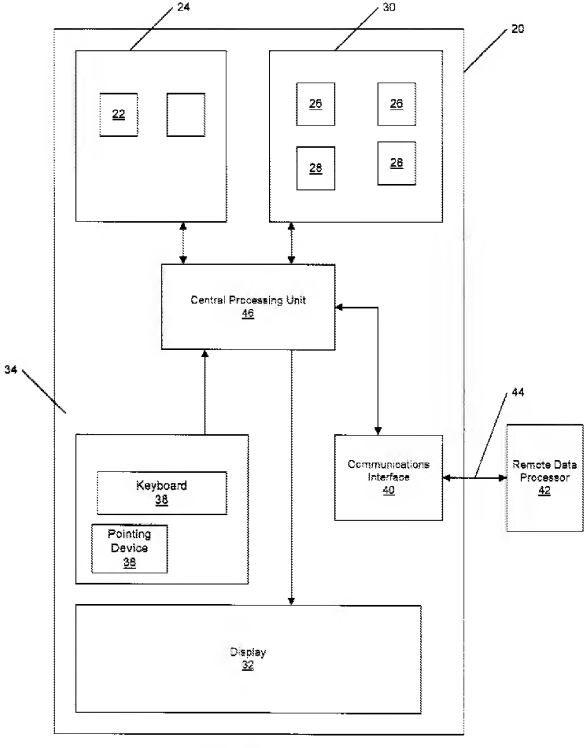

24
30
20
22
26
26
28
28
Central Processing Unit
46
34
44
Keyboard
38
Pointing
Device
38
Communications
Interface
40
Remote Data
Processor
42
Display
32

Figure 1

Carpenter, et al teaches the use of the sending terminal assembling the plurality of messages in a desired order according to inputs by a user (column 7, lines 10-25 in a method for conveying a plurality of messages for the purpose of the user to prioritized and reorders what messages to be sent. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of the sending terminal assembling the plurality of messages in a desired order according to inputs by a user as taught by **Carpenter, et al**, for the purpose of the user to prioritized and reorder what messages to be sent, in the method of conveying a plurality of messages of **Kim** in order to transmit the messages in the order that they were required by the user.

8. Claims 2, 4-8, 12-18, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable ever **Kim** in view of **Wakatsuki** and **Carpenter, et al** and in further view of in view of **Shiimori.**

Regarding claim 2, **Kim** further discloses the method of claim 1, further comprising the sending terminal associating with a frame of the plurality of frames is displayed (cal. 1 line 53 thru col. 2 line 3, and col. 2 line 61 thru col. 3 line 5). However, Kim does not specifically disclose a special effect to be performed when the frame is displayed.

Shiimori teaches the sending terminal associating with a frame of the plurality of frames a special effect to be performed when the frame is displayed (fig. 4, cal. 7 line 38 thru col. 8 line 25). Therefore, it would have been obvious to one ordinary skilled in the art at tile time the invention was made to modify the **Kim** system with the teaching of **Shiimori** of a special effect to be performed when the frame is displayed in order to make the message or picture more exciting to see.

Regarding claim 4, **Kim** does not specifically discloses tie method of claim 2, wherein the special effect is selected from the group comprising vibrating the frame, providing a sound when the frame is first displayed, providing a sound when the frame is dosed, opening the frame in stages, and closing the frame in stages.

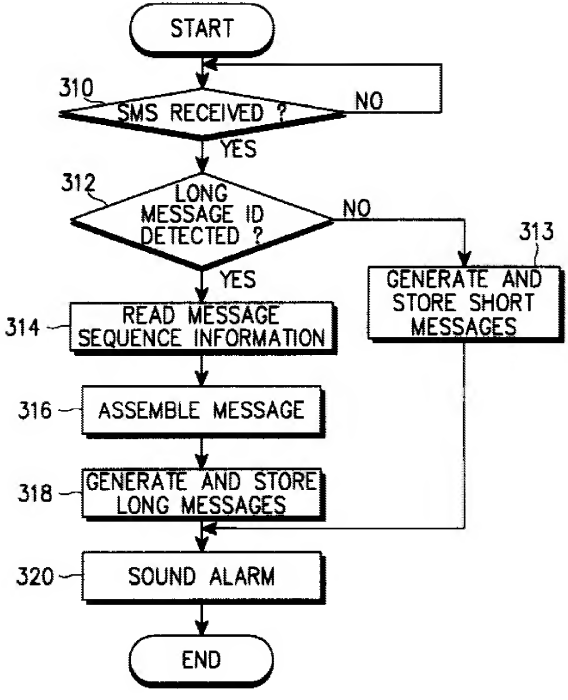

START
310
SMS RECEIVED ?
NO
YES
312
LONG MESSAGE ID DETECTED ?
NO
313
GENERATE AND STORE SHORT MESSAGES
YES
314
READ MESSAGE SEQUENCE INFORMATION
316
ASSEMBLE MESSAGE
318
GENERATE AND STORE LONG MESSAGES
320
SOUND ALARM
END

FIG. 4

Shiimori teaches the special effect is selected from the group consisting of vibrating the frame providing a sound when the frame is first displayed, providing a sound when the frame is closed, opening the frame in stages, and closing the frame in stages (fig. 1D, col. 10 tine 45 thru col. 12 line 28). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kim system with the teaching of **Shiimori** of special effect in order to make the message more special to the recipient.

Regarding claim 5, **Kim** further disclose the method of claim 1, further comprising the sending terminal preparing a frame of the plurality of frames by indicating messages to be displayed in the frame (fig. 1, col. 2 line 64 thru col. 3 line 43). However, Kim does not specifically disclose a picture and text to be displayed in the frame.

Shiimori teaches a picture to be displayed in the frame and/or by providing text to be displayed in the frame (col. 1 line 53 thru col. 3 line 53). Therefore it would have been obvious to one skilled in the art at the time the invention was made to modify Kim system with the teaching of **Shiimori** of picture and message to be displayed in the frame in order to make the massage more special to the recipient.

Regarding claim 6, **Kim** further discloses the method of claim 1, further comprising the sending terminal. However, **Kim** does not specifically disclose the sending terminal downloading from a service an already-created message and editing the text of a frame of the plurality of frames to personalize the plurality of frames for an assumed operator of the receiving terminal,

Shiimori teaches the method of claim I, further comprising the sending terminal

downloading from a service an already-created message and editing the text of a frame of the plurality of frames to personalize the plurality of frames for an assumed operator of the receiving terminal (fig. 4, 12-14, col. 7 lines 11 -25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kim system with the teaching of **Shiimori** of picture and message to be displayed in the frame in order to make the message more special to the recipient.

Regarding claim 7, **Kim** further discloses the method of claim 1 further comprising the sending terminal, However, Kim does not specifically disclose the sending terminal downloading from a service or retrieving from stored memory an already-created picture for use as the picture of a frame of the plurality of frames and optional providing text to be associated with the picture,

Shiimori further discloses the method of claim 1, further comprising the sending terminal downloading from a service or retrieving from stored memory an already-created picture for use as the picture of a frame of the plurality of frames and optionally providing text to be associated with the picture (fig. 4-6, 12-14, col. 7 lines 11-25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kim system with the teaching of **Shiimori** of picture and message to be displayed in the frame in order to make the message more special to the recipient.

Regarding claim 8, **Kim** further discloses the method of claim 1, wherein the plurality of frames is provided using a pre-existing message service selected from the group comprising short message service (SMS), extended message service (EMS) and multimedia messaging service (MMS) (abstract, col. I line 49 thru col. 2 line 28).

Regarding claim 12, this claim is rejected for tie same reason as set forth in claim 2.

Regarding claim 13, **Shiimori** further discloses the method of claim 12, further comprising means for reviewing properties of a frame of the plurality of frames, including whether or not a special effect has been associated with the frame (col. 16 line 14).

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 4,

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 18, this claim is rejected for tie same reason as set form in claim 8.

Kim further discloses a system according to claim 24, further comprising a server wireless coupled to the sending terminal and the receiving terminal (figure 1, #140, column 1, lines 24-46 and column 3, lines 11-43). However, **Kim** does not specifically disclose a server providing a picture to either the sending terminal or receiving terminal in response to a request for the picture from either the sending terminal or the receiving terminal.

Shiimori teaches a server providing a picture to either the sending receiving terminal in response to a request for the picture from either the terminal or the receiving terminal (abstract, #3e fig. 1, col, 6 lines 29-51), therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the **Kim** system with the teaching of **Shiimori** of a server providing a picture to sending or receiving terminal in order to allow the user to receiving the picture to edit it with personal message,

Regarding claim 22, **Shiimori** further discloses the system of claim 21 wherein the server for providing a picture in response to a request for the picture does so in response to a bookmark (image) communicated by the receiving terminal according to the a wireless application protocol (abstract, #30 fig. 1 cal. 6 lines 29-51).

Regarding claim 23, **Shiimori** further discloses the system of claim 21, wherein the server for providing a picture in response to a request for the picture does so in response to request communicated by the sending terminal! thereby making available the picture for use by the sending terminal in composing (editing) one or more of the plurality of messages (fig. 3-4, 9-10, 12-14! col. 6 line 29 thru col. 10 line 39).

9. Claims 9 and 19 are rejected under35 U.S.C. 103(a) as being unpatentable over **Kim** in view of **Wakatsuki** and **Carpenter, et al** and in further view of in view of **Lundstrom et al**.

Regarding claim 9, **Kim** further discloses the method of claim 1, wherein the plurality of frames, However, **Kim** does not specifically disclose the plurality of frames consists of three ordered frames, each frame comprising a picture and associated text personalized for an intended recipient.

Lundstrom at al. teaches the plurality of frames consists of three ordered frames, each frame comprising a picture and associated text personalized for an intended recipient (col. 5 lines 1-48). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify **Kim** system with the teaching of **Lundstrom et al,** of three ordered frame in order to provide the receiver device to determine the number of frames it must receive in order to recive the complete message.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 9,

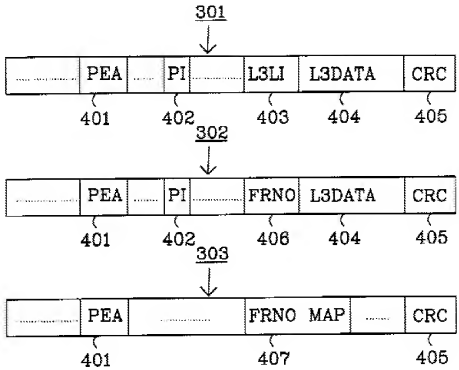

301
PEA
PI
L3LI
L3DATA
CRC
401
402
403
404
405
302
PEA
PI
FRNO
L3DATA
CRC
401
402
406
404
405
303
PEA
FRNO MAP
CRC
401
407
405

Fig. 4

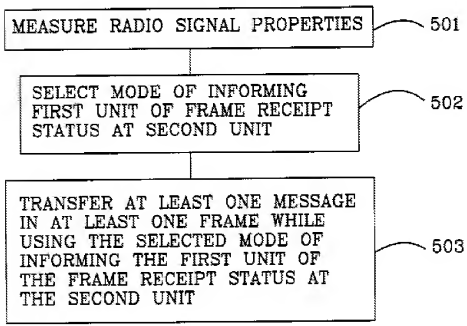

MEASURE RADIO SIGNAL PROPERTIES
501
SELECT MODE OF INFORMING FIRST UNIT OF FRAME RECEIPT STATUS AT SECOND UNIT
502
TRANSFER AT LEAST ONE MESSAGE IN AT LEAST ONE FRAME WHILE USING THE SELECTED MODE OF INFORMING THE FIRST UNIT OF THE FRAME RECEIPT STATUS AT THE SECOND UNIT
503

Fig. 5

10. Claims 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim** in view of **Wakatsuki** and **Carpenter, et al** and in further view of in view of **Schreiber at al.**

Regarding claim 10, **Kim** further discloses the method of claim 1. However, **Kim** does not specifically disclose, wherein the plurality of frames is protected from being copied using a form of protection selected from the group comprising: copy protection, digital rights management, and encryption.

Schreiber et al, teaches the frame is protected from being copied using a form of protection selected from the group comprising: copy protection, digital rights management, and encryption (title, col, 18 lines 22-50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kim system with the teaching of Schreiber et al. of copy protection in order to protect personal information from unauthorized recipient.

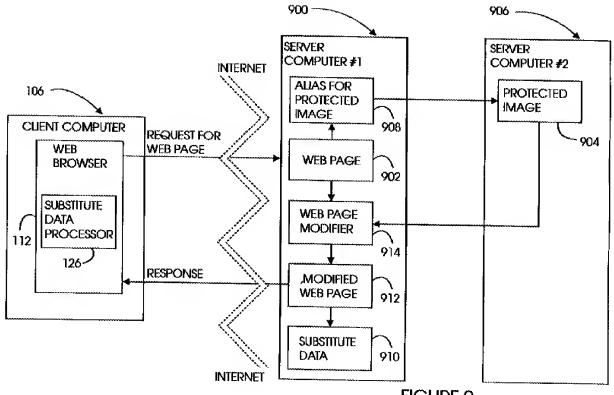


FIGURE 9

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 10.

Response to Arguments

11. Applicant's arguments filed January 11, 2006 have been fully considered but they are not persuasive.

> The analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ. The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents. The diversity of inventive pursuits and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends. Granting patent protection to advances that would occur in the ordinary course without real innovation retards progress and may, in the case of patents combining previously known elements, deprive prior inventions of their value or utility. One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent's claims. When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads

to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103. KSR INTERNATIONAL CO. *v.* TELEFLEX INC. 82 USPQ2d 1385.

In response to arguments on pages 11 and 16, during examination before the Patent and Trademark Office, claims must be given their broadest reasonable interpretation and limitations from the specification may not be imputed to the claims (Ex parte Akamatsu, 22 USPQ2d, 1918; In re Zletz, 13 USPQ2d 1320, In re Priest, 199 USPQ 11). Clear inference to the artisan must be considered, In re Preda, 159 USPQ 342. A prior art reference must be considered together with the knowledge of one of ordinary skill in the pertinent art, In re Samour, 197 USPQ 1. During patent examination, the pending claims must be *"given the broadest reasonable interpretation consistent with the specification."* Claim term is not limited to single embodiment disclosed in specification, since number of embodiments disclosed does not determine meaning of the claim term, and applicant cannot overcome "*heavy presumption*" that term takes on its ordinary meaning simply by pointing to preferred embodiment (Teleflex Inc. v. Ficosa North America Corp., CA FC, 6/21/02, 63 USPQ2d 1374). Appellant had the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re

Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA1969). Logically means:

1. according to or agreeing with the principles of logic: *a logical inference.*
2. reasoning in accordance with the principles of logic, as a person or the mind: *logical thinking.*
3. reasonable; to be expected: ***War was the logical consequence of such threats.***
4. of or pertaining to logic.

Related means:

1. to tell; give an account of (an event, circumstance, etc.).
2. to bring into or establish association, connection, or relation: ***to relate events to probable causes.***

-verb (used without object)

3. to have reference (often fol. by *to*).
4. to have some relation (often fol. by *to*).
5. to establish a social or sympathetic relationship with a person or thing: *two sisters unable to relate to each other.*

Clearly **Kim** shows this. Kim shows sending to a receiving terminal a plurality of **reasonable and to be expected and to have some relation** frames. Appellant is arguing that **Kim** can only and ever send one frame and that is it, Kim would never work again. Each frame has **reasonable and to be expected and to have some relation** of "*a header information having a long message identification (ID) and a divided message sequence information of the divided shorter messages,* " is one example.

If appellant uses such broad terms then, appellant should not surprise that the examiner also examines the claimed invention just as broadly.

In response to arguments on page 13, Appellant is arguing that **Kim** cannot be ever modify. In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of the sending terminal assembling the plurality of messages in a desired order according to inputs by a user as taught by **Carpenter, et al**, **for the purpose of the user to prioritized and reorder what messages to be sent**, in the method of conveying a plurality of messages of **Kim in order to transmit the messages in the order that they were required by the user**.

In response to Appellant's arguments on page 14, against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., telephonic communication) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The specification is not the measure of the invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art (In re Sporck, 155 USPQ 687). Attempt to invoke limitations present in the preferred embodiment but absent from the claims themselves violates the established claim construction principles.

Applicant have not presented any substantive arguments directed separately to the patentability of the dependent claims or related claims in each group, except as will be noted in this action. In the absence of a separate argument with respect to those claims, they now stand or fall with the representative independent claim. *See In re Young,* 927 F.2d 588, 590, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).

Information Disclosure Statement

12. The information disclosure statement filed September 2, 2008 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Conclusion

13. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is 571-272-7861. The examiner can normally be reached on Tuesday- Friday, 11:00am-8:00pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WILLIAM D CUMMING/
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